

Claims 1-6, 20 and 21 are currently in the application, with claim 1 being the independent claim. Claim 7 has been cancelled without prejudice. Claims 2 and 4-6 have been amended.

III. Objection to Claim 2 as Reciting an Improper Markush Group

The Examiner objected to claim 2 as reciting an improper Markush group. Claim 2 has been amended to select SEQ ID NO:8. However, Applicants respectfully disagree with the Examiner's objection. As noted throughout the features of SEQ ID NO:8, SEQ ID NO:14, SEQ ID NO:18, SEQ ID NO:33, and SEQ ID NO:50 share a common utility and substantial structural features (i.e., they are homologous or related amino acid sequences predicted from DNA sequences isolated from mammals). Applicants' arguments concerning this amendment are contained in the Response to the Election/Restriction Requirement.

IV. The Objection to Claims 3-7 under 37 CFR 1.75(c) Is Partially Traversed and Partially Accommodated

The Examiner objected to claims 3-7 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully disagrees.

Claim 3 is as follows (emphasis added):

3. A partial peptide of the polypeptide according to claim 1, or its amide or ester or a salt thereof.

Clearly, claim 3 is directed to a partial peptide of the polypeptide of claim 1. This element further limits the subject matter of claim 1 to a peptide that is less than a full-length peptide. With respect to claim 3, Applicants respectfully traverse the Examiner's objection. Applicants submit that this claim already fulfills the requirements of 37 CFR 1.75(c) and maintain that this claim is already in a condition for allowance.

With respect to claims 4-6, Applicants respectfully submit that the Examiner's objection has been accommodated by the amendments to these claims and maintain that these claims are now in a condition for allowance.

V. Conclusion

It is believed that all outstanding objections have been addressed by this submission and that all the claims are in condition for allowance. If discussion of any amendment or remark made herein would advance this important case to allowance, the Examiner is invited to call the undersigned as soon as convenient.

In view of the foregoing amendments and remarks, the present application is respectfully considered in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

Applicants believe that no request extension of time is required, because this Response is being filed within the specified one (1) month period. If any extension of time is needed, applicants hereby conditionally petition for an extension of time to provide for the possibility that the need for such a petition has been inadvertently overlooked.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

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APPENDIX I

REVISIONS OF CLAIMS PURSUANT TO REVISED RULE § 1.121

Pursuant to Revised Rule § 1.121(c)(1)(ii), the revisions of claims 2 and 4-6 are detailed as follows:

2 (Amended). A polypeptide or its amide or ester, or a salt thereof, according to claim 1, wherein substantially the same amino acid sequence is represented by SEQ ID NO:8 [, SEQ ID NO:14, SEQ ID NO:18, SEQ ID NO:33 or SEQ ID NO:50.]

4 (Amended). A partial peptide or its amide or ester, or a salt thereof, according to claim 3, consisting essentially of [comprising] amino acid residues 81 (Met) to 92 (Phe) of SEQ ID NO:8 [SEQ ID NO:1].

5 (Amended). A partial peptide or its amide or ester, or a salt thereof, according to claim 3, consisting essentially of [comprising] amino acid residues 101 (Ser) to 112 (Ser) of SEQ ID NO:8 [SEQ ID NO:1].

6 (Amended). A partial peptide or its amide or ester, or a salt thereof, according to claim 3, consisting essentially of [comprising] amino acid residues 124 (Val) to 131 (Phe) of SEQ ID NO:8 [SEQ ID NO:1].